

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SHANNON PHILLIPS, :
Plaintiff, : Civil Action No. 1:19-cv-19432
v. :
Hon. Joel H. Slomsky, U.S.D.J.
STARBUCKS CORPORATION d/b/a :
STARBUCKS COFFEE COMPANY, : ORAL ARGUMENT REQUESTED
Defendant. :
: **FILED VIA ECF**

**DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S
MOTION TO AMEND JUDGMENT**

Defendant Starbucks Corporation (“Defendant”), by and through its undersigned counsel, hereby submits this Response in Opposition to Plaintiff Shannon Phillips’ (“Plaintiff”) Revised Motion to Amend Judgment To Include Court-Determined Economic Loss, Prejudgment Interest and Attorneys’ Fee & Costs (“Revised Motion” at ECF 184).

Defendant objects to the judgment for the reasons outlined in its pending post-trial motions, including its opposition to economic loss damages (ECF 174), opposition to Plaintiff’s attorney fees’ and costs petition (ECF 181), its motion for a new trial, or in the alternative a remittitur (ECF 167) and its motion to vacate duplicative damages (ECF 166).

Defendant further objects to Plaintiff’s request for prejudgment interest in the amount of \$125,122.86. In her Revised Motion, Plaintiff fails to provide any detail as to how she reached this calculation of prejudgment interest. Instead, Plaintiff simply states that the rate was “calculated in accordance with the Rule.” Revised Motion, at ¶ 11 (ECF 184). Under NJ Ct. R. 4:42-11(b), a plaintiff may receive prejudgment interest, which shall be calculated by the interest rates set forth

here: <https://www.njcourts.gov/sites/default/files/courts/civil/postprejudgmentrates.pdf>. Plaintiff did not identify which rate she used to reach her calculation of prejudgment interest, as the interest rates change every year, and Plaintiff does not identify whether she is applying a simple interest rate or a compound interest rate (under the Rule she must only apply a simple interest rate). Under Defendant's calculations, based on Plaintiff's current economic loss award (ECF 180) – which Defendant contends should not stand – her prejudgment interest is **\$80,406.28**,¹ as outlined in the chart below.

Period of Past Lost Earnings and Benefits		Period for Which Interest is Computed					
Beginning Date	Ending Date	Accumulated Past Lost Earnings and Benefits	Interest Rate	Beginning Date	Ending Date	Number of Days	Interest
* 10-May-18	27-Oct-19	\$ 456,479.45	3.50%	28-Oct-19	31-Dec-19	64	\$ 2,801.41
10-May-18	31-Dec-19	485,971.00	4.50%	1-Jan-20	31-Dec-20	365	21,868.70
10-May-18	31-Dec-20	654,937.00	3.50%	1-Jan-21	31-Dec-21	365	22,922.80
10-May-18	31-Dec-21	821,244.00	2.25%	1-Jan-22	31-Dec-22	365	18,477.99
10-May-18	31-Dec-22	998,433.00	2.25%	1-Jan-23	16-Aug-23	227	13,971.22
1-Jan-23	30-Apr-23	54,700.00	2.25%	1-May-23	16-Aug-23	108	364.17
		1,053,133.00					\$ 80,406.28
*assumes an even distribution of earnings throughout 2019							

If Plaintiff submits a Reply that provides details concerning how she reached her calculation, Defendant respectfully requests the opportunity to submit a Sur-Reply regarding those calculations.

¹ For the reasons outlined in Starbucks' Memorandum of Law regarding Plaintiff's Economic Loss (ECF 174), Starbucks maintains that Plaintiff is only entitled to \$78,343.00 (representing the period that Plaintiff was unemployed), making her prejudgment interest **\$9,534.77** (applying the same formula as above).

Interest Period	Accumulated				Interest
		Lost Earnings	Interest Rate	Days	
2019	\$ 66,537.89	0.035	64	\$ 408.34	
2020	78,343.00	0.045	365	3,525.44	
2021	78,343.00	0.035	365	2,742.01	
2022	78,343.00	0.0225	365	1,762.72	
2023	78,343.00	0.0225	227	1,096.27	
				\$	9,534.77

Lastly, Defendant requests oral argument on Plaintiff's Revised Motion (ECF 184) as well as its own post-trial motions (ECF 165, 166, 167). Further, Defendant requests that the Court stay issuing an order on Plaintiff's Revised Motion (ECF 184) until the Court holds oral argument and subsequently rules on Defendant's post-trial motions.

Dated: September 5, 2023

Respectfully submitted,

/s/ Richard R. Harris
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